

MOTION BY SUPERVISORS MARK RIDLEY-THOMAS AND SHEILA KUEHL

May 26, 2020

Preparing Los Angeles County for the Closure of the State’s Division of Juvenile Justice

On May 14, 2020, Governor Gavin Newsom announced, as part of the revised budget, that the Division of Juvenile Justice (DJJ) will be closing. Starting January 1, 2021, DJJ will no longer admit new youth and these youth would instead be housed at the county level. Over time, the three DJJ facilities will close. It is unclear whether any youth currently held at DJJ, or transferred there before January 2021, will be transferred to counties as well. It is also unclear whether courts and prosecutors will start to adjust their current practices, including those related to charging, plea-dealing and petitions for transfer, ahead of January 2021. As explained in the Governor’s revised budget, this move is intended to help close a historic budget deficit created by the COVID-19 crisis, as well as to ultimately “enable youth to remain in their communities and stay close to their families to support rehabilitation.”

While this change is sudden, last year Governor Newsom took steps to shift away from a punitive state system by moving DJJ into a separate department under the State’s Health and Human Services Agency. This action was intended to bring about a cultural change to create opportunities to enhance educational, mental health and social service

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delivery to youth. Moreover, with various legislative changes like Senate Bill 81 as well as a number of lawsuits, DJJ has been shrinking for over a decade, shifting from approximately 10,000 youth in 11 facilities in 1996 to a mere 800 youth incarcerated in three facilities in 2020. Increasingly, more youth have been served at the county level, a shift supported for years by advocates who believe this leads to better treatment and outcomes for youth, and who have been pushing for DJJ closure.

Due to the closure of DJJ, the County of Los Angeles (County) will likely be responsible for up to hundreds more youth who have been charged with more serious offenses. While this presents an opportunity to serve youth closer to their communities and enhance reentry outcomes, this proposal also poses fiscal, program, policy, administrative, and legal challenges for the County. As local jurisdictions learned from the implementation of Assembly Bill (AB) 109 and other realignment changes, the County needs to be prepared for this shift in responsibility and requires a strong plan to ensure rehabilitative goals are met and guard against unintended consequences. Several important questions and issues must be addressed before the shift begins, including preventing youth from being tried as adults, assessing available juvenile facilities, and consideration for raising the age of jurisdiction.

But the County is in a unique position to transform youth justice in California, as it is currently developing a plan for restructuring the juvenile justice system in order to shift away from a punitive paradigm towards a rehabilitative, health-focused and care-first system. On August 13, 2019, the Board of Supervisors (Board) unanimously approved a Ridley-Thomas and Kuehl motion which created a Youth Justice Work Group to: make recommendations on moving youth out of the Probation Department, including the best place in the County for responsibility of justice-involved youth; create a model and plan for ensuring this new system is meaningfully different from the current system; and conduct an assessment of relevant legal, budgetary, staffing, oversight, and/or legislative

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and policy issues that would need to be resolved to achieve this. The Youth Justice Work Group is being co-convened by the Chief Executive Office and the Office of Diversion and Reentry, with the help of an expert consultant team, and with active participation from stakeholders from all key County and non-County entities, including the Courts, Probation Department, Public Defender, District Attorney, and a range of community stakeholders. Since January 2020, the Youth Justice Work Group has been meeting consistently to achieve its objectives.

This shift in responsibility from the State to counties is expected to occur quickly and the County must make a coordinated effort to prepare and ensure that the young people coming into its care are properly served. The Youth Justice Work Group is best equipped to help lead the first phase of this planning and ensure that as the County prepares for DJJ closure, it does so in a way that is consistent with and informed by ongoing work to reimagine the juvenile justice system in the County and improve treatment for youth in the County's care.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct the Youth Justice Work Group, created by the "Restructuring the Juvenile Justice System: Building a Health Focused Model" motion (Ridley-Thomas and Kuehl, August 13, 2019) and co-convened by the Chief Executive Office and the Office of Diversion and Reentry and supported by an expert consultant team, to create a subcommittee that includes participation from all necessary stakeholders, including at a minimum representatives from the Courts, Probation Department, Public Defender, Alternate Public Defender, District Attorney, Department of Mental Health, Juvenile Court Health Services, Department of Public Health, County Counsel, and community stakeholders, to create an initial plan to facilitate the transition of youth currently committed to the California Division of Juvenile Justice (DJJ) to Los Angeles County (County). Informed by

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national best practices, the ongoing work of the Youth Justice Work Group, and available data on the youth likely to come into the County's care from DJJ, the DJJ Transition Subcommittee should report back to the Board in writing in 120 days with recommendations that include but are not limited to:

- a. An analysis of how the new DJJ population may be incorporated into the model and plan under development by the Youth Justice Work Group for all justice-involved youth in the County;
- b. Strategies to prevent more youth from being tried as adults under the new system;
- c. Strategies to increase community-based alternatives to detention options for youth who would have previously been sent to DJJ;
- d. The status and capacity of the County's current juvenile facilities to adequately serve the needs of DJJ-committed youth justice populations;
- e. Preventing punitive practices that were previously eliminated or are being phased out from being reinstated;
- f. Ensuring robust oversight of the treatment of this new population, as well as the DJJ re-entry population that is currently being supervised by the County; and
- g. Any budgetary, legal or legislative implications or changes needed to create the best system possible, including the potential of raising the age of jurisdiction in the County's juvenile justice system to align with DJJ's age limit, and ensuring the County receives sufficient funding from the State to fund the rehabilitative programs and services needed to serve this population.

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2. Direct the Chief Executive Officer, Chief Probation Officer, and all other relevant County departments to immediately make any necessary data available to the Youth Justice Workgroup DJJ Transition Subcommittee so it can meet the above objectives in a timely manner and help the County prepare for the closure of the DJJ.
3. Direct the Chief Executive Office Legislative Affairs division to be available to the DJJ Transition Subcommittee to support its efforts, and to report back to the Board of Supervisors at any time if legislative advocacy is needed.

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(MN/CAS)